

AMENDED IN ASSEMBLY MAY 12, 2008

AMENDED IN ASSEMBLY MAY 6, 2008

AMENDED IN ASSEMBLY APRIL 22, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2949**

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**Introduced by Assembly Member DeSaulnier**

February 22, 2008

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An act to amend Sections 1815, 1816, and 1981 of the Civil Code, relating to involuntary deposits.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2949, as amended, DeSaulnier. Involuntary deposits: abandoned pets.

Existing law provides that an involuntary deposit is made by the accidental leaving or placing of personal property in the possession of any person, without negligence on the part of its owner, or by the delivery to, or picking up by, and the holding of, a stray live animal by any person or public or private entity. The person or private entity with whom a thing or animal is deposited is bound to take charge of it, if able to do so.

Existing law also provides that every owner, driver, or keeper of any animal who permits the animal to be in any building, enclosure, lane, street, square, or lot of any city, county, city and county, or judicial district without proper care and attention is guilty of a misdemeanor.

This bill would provide that an involuntary deposit is made by the abandonment or leaving of a live animal in or about any premises or real property that has been vacated upon, or immediately preceding, the termination of a lease or other rental agreement or foreclosure of

the property. The bill would require any person or private entity with whom a live animal is involuntarily deposited to immediately notify animal control officials for the purpose of retrieving the animal. ~~By increasing the duties of animal control officials, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~. State-mandated local program: ~~yes-no~~.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1815 of the Civil Code is amended to  
2 read:

3 1815. An involuntary deposit is made:

4 (a) By the accidental leaving or placing of personal property in  
5 the possession of any person, without negligence on the part of its  
6 owner.

7 (b) In cases of fire, shipwreck, inundation, insurrection, riot, or  
8 like extraordinary emergencies, by the owner of personal property  
9 committing it, out of necessity, to the care of any person.

10 (c) By the delivery to, or picking up by, and the holding of, a  
11 stray live animal by any person or public or private entity.

12 (d) By the abandonment or leaving of a live animal, as  
13 proscribed by Section 597.1 of the Penal Code, in or about any  
14 premises or real property that has been vacated upon, or  
15 immediately preceding, the termination of a lease or other rental  
16 agreement or foreclosure of the property.

17 SEC. 2. Section 1816 of the Civil Code is amended to read:

18 1816. (a) The person or private entity with whom a thing is  
19 deposited in the manner described in Section 1815 is bound to take  
20 charge of it, if able to do so.

21 (b) Any person or private entity with whom a live animal is  
22 deposited in the manner described in subdivision (d) of Section  
23 1815 shall immediately notify animal control officials for the

1 purpose of retrieving the animal pursuant to Section 597.1 of the  
2 Penal Code. Animal control officers who respond shall be entitled  
3 to exercise the right afforded them pursuant to that section to secure  
4 a lien for the purpose of recovering the costs of attempting to rescue  
5 the animal. Nothing in this subdivision shall impose any new or  
6 additional civil or criminal liability upon a depositary who complies  
7 with this subdivision.

8 (c) A public agency or shelter with whom an abandoned animal  
9 is deposited in the manner described in Section 1815 is bound to  
10 take charge of it, as provided in Section 597.1 of the Penal Code.

11 (d) The person in possession of the abandoned animal is subject  
12 to all local ordinances and state laws that govern the proper care  
13 and treatment of those animals.

14 SEC. 3. Section 1981 of the Civil Code is amended to read:

15 1981. (a) This chapter provides an optional procedure for the  
16 disposition of personal property that remains on the premises after  
17 a tenancy has terminated and the premises have been vacated by  
18 the tenant.

19 (b) This chapter does not apply whenever Section 1862.5,  
20 2080.8, 2080.9, or 2081 to 2081.6, inclusive, applies. This chapter  
21 does not apply to property that exists for the purpose of providing  
22 utility services and is owned by a public utility, whether or not  
23 that property is actually in operation to provide those utility  
24 services.

25 (c) This chapter does not apply to any manufactured home as  
26 defined in Section 18007 of the Health and Safety Code, any  
27 mobilehome as defined in Section 18008 of the Health and Safety  
28 Code, or to any commercial coach as defined in Section 18001.8  
29 of the Health and Safety Code, including attachments thereto or  
30 contents thereof, whether or not the manufactured home,  
31 mobilehome, or commercial coach is subject to registration under  
32 the Health and Safety Code.

33 (d) This chapter does not apply to the disposition of an animal  
34 to which subdivision (d) of Section 1815 or Chapter 7  
35 (commencing with Section 17001) of Part 1 of Division 9 of the  
36 Food and Agricultural Code applies, and those animals shall be  
37 disposed of in accordance with those provisions.

38 (e) If the requirements of this chapter are not satisfied, nothing  
39 in this chapter affects the rights and liabilities of the landlord,  
40 former tenant, or any other person.

1     ~~SEC. 4.—If the Commission on State Mandates determines that~~  
2     ~~this act contains costs mandated by the state, reimbursement to~~  
3     ~~local agencies and school districts for those costs shall be made~~  
4     ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
5     ~~4 of Title 2 of the Government Code.~~

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